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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,337	08/28/2000	Didier Chabirand Garconnet	12911-1180	2658

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EXAMINER

RAO, SHEELA S

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 02/10/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,337

Applicant(s)

CHABIRAND GARCONNET ET AL

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on November 12, 2003 has been entered and considered.
2. Claims 1-21 are presented for examination. Claim 1 has been amended and claims 19-21 have been newly added.

Response to Amendment

3. The objection made to the Abstract for its length is withdrawn in light of the submission of the amended Abstract of the invention. However, Applicant is advised to review the newly amended version, as some grammatical errors are present. Many of the sentences begin without the previous sentences having been properly ended. Thus, the Abstract is objected for grammatical inconsistencies.
4. Examiner appreciates Applicant's review of the disclosure for grammatical and spelling errors. The use of unfamiliar terms is acknowledged, but the Examiner maintains that grammatical errors with regard to tense and minor spelling mishaps continue to exist. In the event that the Applicant is unable to identify such, at the time of allowance, the Examiner will attempt to make the appropriate corrections by amendment.
5. The rejection of claims 1-18 under 35 USC §102(a) as being clearly anticipated by Bruder (USPN 5,757,950) is **maintained** and restated below.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Bruder (USPN 5,757,950).

The patented invention of Bruder discloses a process and method for cutting or stamping individual parts from animal skin in which a computer is utilized to store and assemble forms for cutting.

The reference of prior art teaches the limitations of the instant claims. The limitations of instant claims 1, 19, and 21 are taught by patented claim 1 and in column 2 at lines 6-32. The steps of characterizing the flexible material as claimed by instant claims 2 and 10-12, and 20 is taught the reference of prior art in column 4 at lines 10-19. The layout of the pieces and cutting of the pattern as per claims 3, 4, and 7 is taught in column 4 at lines 20-31. The layout of the pieces being set based on the dividing line as claimed by instant claims 5 and 13-14 is taught in column 4 at lines 45-55. The determination of a reference axis by marking it as per instant claim 6 is taught in lines 16-19 of column 4. The distribution of pieces into functional groups for utilization and assembly of an article as per claims 8 and 9 is taught by Bruder within lines 32-44 of column 4. The prioritizing the levels for layout as claimed by instant claims 15 and 16 is taught in column 3:lines 8-24. The characterization of flaws on the flexible material as per claims 17 and 18 is addressed by the reference of prior art in column 4 at lines 3-9.

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

Response to Arguments

8. Applicant's arguments filed on November 12, 2003 have been fully considered but they are not persuasive.

Applicant argues that the reference of prior art to "Bruder fails to ... disclose that a mask is established and then used to define zones of uniform characteristics...". Examiner disagrees with this statement, as it is clearly stated in the disclosure of the prior art that the "present invention relates to an optimized cutting process ... and the cuts to be made are individually established as a function of the quality of the skin" (see column 1: lines 11-15). The cutting process of Bruder uses the computer, which stores the optimal cutting pattern, to advantageously determine the division line or characteristic zone. Additionally, Bruder teaches the subdividing of the skin into workpieces or the establishment of characteristic zones. These subdivisions are made with the consideration of the characteristics of the remnants or hide in perspective to obtain optimal spacing results when cutting. Bruder clearly teaches the limitations of instant claims 1 and 19.

Applicant continues by arguing that the digitization of a particular hide as taught by Bruder provides an image of a particular hide and not a mask that would be generic for all hides. Examiner disagrees with this argument also. At lines 33-42 of column 3, it is stated that the cutting process of the patented invention is advantageous as it can be used for numerous hides and the use of a larger number of hides or skins for nesting and cutting results in higher production and quality. Again, the reference of prior art clearly addresses the limitations of the instant claims; thereby, rendering the instant claims unpatentable.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

Art Unit: 2125

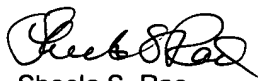
(703) 872-9306 for Official Communications

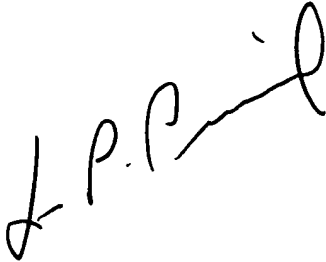
hand-delivered responses should be brought to:

Receptionist - Sixth Floor

Crystal Park II, 2121 Crystal Drive, Arlington, Virginia

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Sheela S. Rao
February 5, 2004



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**